

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to
Revoke Probation Against:

JUDITH A. RUJA
a.k.a. JUDITH A. SCHROER
a.k.a. JUDITH A. SCHROER RUJA
2447 West Pueblo Avenue
Napa, California 94558

Registered Nurse License No. 569549

Respondent.

Case No. 2003-10

OAH No.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on JUNE 19, 2008.

It is so ORDERED JUNE 19, 2008.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

EDMUND G. BROWN JR., Attorney General
of the State of California
FRANK H. PACOE, State Bar No. 91740
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to
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Napa, California 94558

Registered Nurse License No. 569549

Respondent.

Case No. 2003-10

OAH No.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
proceeding that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
the Board of Registered Nursing. She brought this action solely in her official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by Frank H. Pacoe, Supervising Deputy Attorney General.

2. Judith A. Ruja, aka Judith A. Schroer, aka Judith A. Schroer Ruja
(Respondent) is representing herself in this proceeding and has chosen not to exercise her right to
be represented by counsel.

3. On or about August 1, 2000, the Board of Registered Nursing issued

1 Registered Nurse License No. 569549 to Judith A. Ruja, aka Judith A. Schroer, aka Judith A.
2 Schroer Ruja (Respondent). The License was in full force and effect at all times relevant to the
3 charges brought in the Accusation and Petition to Revoke Probation No. 2003-10 and will expire
4 on August 31, 2008, unless renewed.

5 JURISDICTION

6 4. The Accusation and Petition to Revoke Probation No. 2003-10 was filed
7 before the Board of Registered Nursing (Board) , Department of Consumer Affairs, and is
8 currently pending against Respondent. The Accusation and Petition to Revoke Probation and all
9 other statutorily required documents were properly served on Respondent on August 20, 2007.
10 Respondent timely filed her Notice of Defense contesting the Accusation and Petition to Revoke
11 Probation. A copy of the Accusation and Petition to Revoke Probation No. 2003-10 is attached
12 as Exhibit A and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, and understands the charges and allegations
15 in the Accusation and Petition to Revoke Probation No. 2003-10. Respondent also has carefully
16 read, and fully understands the effects of this Stipulated Surrender of License and Order.

17 6. Respondent is fully aware of her legal rights in this matter, including the
18 right to a hearing on the charges and allegations in the Accusation and Petition to Revoke
19 Probation; the right to be represented by counsel, at her own expense; the right to confront and
20 cross-examine the witnesses against her; the right to present evidence and to testify on her own
21 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
22 production of documents; the right to reconsideration and court review of an adverse decision;
23 and all other rights accorded by the California Administrative Procedure Act and other applicable
24 laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
26 each and every right set forth above.

27 CULPABILITY

28 8. Respondent admits the truth of each and every charge and allegation in the

1 Accusation and Petition to Revoke Probation No. 2003-10, agrees that cause exists for discipline
2 and hereby surrenders her Registered Nurse License No. 569549 for the Board's formal
3 acceptance.

4 9. Respondent understands that by signing this stipulation she enables the
5 Board to issue an order accepting the surrender of her Registered Nurse License without further
6 process.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Board of Registered
9 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
10 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
11 and surrender, without notice to or participation by Respondent. By signing the stipulation,
12 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
13 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
14 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
15 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
16 between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 OTHER MATTERS

19 11. The parties understand and agree that facsimile copies of this Stipulated
20 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
21 and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
24 following Order:

25 ORDER

26 IT IS HEREBY ORDERED that Registered Nurse License No. 569549, issued to
27 Respondent Judith A. Ruja, aka Judith A. Schroer, aka Judith A. Schroer Ruja is surrendered
28 and accepted by the Board of Registered Nursing.

1 13. The surrender of Respondent's Registered Nurse License and the
2 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a
4 part of Respondent's license history with the Board.

5 14. Respondent shall lose all rights and privileges as a Registered Nurse in
6 California as of the effective date of the Board's Decision and Order.

7 15. Respondent shall cause to be delivered to the Board both her License
8 wall and pocket license certificate on or before the effective date of the Decision and Order.

9 16. Respondent fully understands and agrees that if she ever files an
10 application for licensure or a petition for reinstatement in the State of California, the Board shall
11 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
12 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
13 and all of the charges and allegations contained in the Accusation and Petition to Revoke
14 Probation No. 2003-10 shall be deemed to be true, correct and admitted by Respondent when the
15 Board determines whether to grant or deny the petition.

16 17. Upon reinstatement of the license, Respondent shall pay to the Board costs
17 associated with its investigation and enforcement pursuant to Business and Professions Code
18 section 125.3 in the amount of Seven Thousand One Hundred Eighty-Four Dollars and Seventy-
19 Five Cents (\$7,184.75). Respondent shall be permitted to pay these costs in a payment plan
20 approved by the Board.

21 18. Should Respondent ever apply or reapply for a new license or certification,
22 or petition for reinstatement of a license, by any other health care licensing agency in the State of
23 California, all of the charges and allegations contained in the Accusation and Petition to Revoke
24 Probation No. 2003-10 shall be deemed to be true, correct, and admitted by Respondent for the
25 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

26 19. Respondent shall not apply for licensure or petition for reinstatement for
27 three (3) years from the effective date of the Board of Registered Nursing's Decision and Order.

28 20. Respondent shall pay the Board its costs of investigation and enforcement

1 in the amount of \$7,184.75 prior to issuance of a new or reinstated license.

2
3 ACCEPTANCE

4 I have carefully read the Stipulated Surrender of License and Order. I understand
5 the stipulation and the effect it will have on my Registered Nurse License. I enter into this
6 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
7 be bound by the Decision and Order of the Board of Registered Nursing.

8 DATED: 9/4/07.

9
10 Judith A. Ruja
11 JUDITH A. RUJA
12 Respondent
13

14 ENDORSEMENT

15 The foregoing Stipulated Surrender of License and Order is hereby respectfully
16 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
17 Affairs.

18
19 DATED: 9/6/07

20 EDMUND G. BROWN JR., Attorney General
21 of the State of California

22 FRANK H. PACOE
23 Supervising Deputy Attorney General

24 Frank H. Pacoe
25 FRANK H. PACOE
26 Supervising Deputy Attorney General
27 Attorneys for Complainant

Exhibit A

Accusation and Petition to Revoke Probation No. 2003-10

EDMUND G. BROWN JR., Attorney General
of the State of California
FRANK H. PACOE, State Bar No. 91740
Supervising Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5556
Facsimile: (415) 703-5480

Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

JUDITH A. RUJA,
a.k.a. JUDITH A. SCHROER,
a.k.a. JUDITH A. SCHROER RUJA
1356 Calistoga Avenue, Apt. #13
Napa, California 94559

Registered Nurse License No. 569549

Respondent.

Case No. 2003-10

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation and
Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board
of Registered Nursing, Department of Consumer Affairs.

2. On or about August 1, 2000, the Board of Registered Nursing issued
Registered Nurse License Number 569549 to Judith A. Ruja, a.k.a. Judith A. Schroer, a.k.a.
Judith A. Schroer Ruja (Respondent). The Registered Nurse License was in effect at all times
relevant to the charges brought herein and will expire on August 31, 2008, unless renewed.

3. In a petition for reinstatement entitled "In the Matter of the Petition for
Reinstatement of Revoked License of: Judith A. Ruja," OAH No. L2005050614, the Board of

1 Registered Nursing, issued a decision, effective September 10, 2005, in which Respondent's
2 petition for reinstatement of her Registered Nurse License was granted. However, the license
3 was immediately revoked, the order of revocation stayed and Respondent's license was placed on
4 probation for a period of three (3) years with certain terms and conditions. A copy of that
5 decision is attached as Exhibit A and is incorporated by reference.

6 JURISDICTION

7 4. This Accusation and Petition to Revoke Probation is brought before the
8 Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of
9 the following laws. All section references are to the Business and Professions Code unless
10 otherwise indicated.

11 STATUTORY PROVISIONS

12 5. Section 2750 of the Business and Professions Code (Code) provides, in
13 pertinent part, that the Board may discipline any licensee, including a licensee holding a
14 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
15 2750) of the Nursing Practice Act.

16 6. Section 2764 of the Code provides, in pertinent part, that the expiration of
17 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
18 against the licensee or to render a decision imposing discipline on the license. Under section
19 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
20 the expiration.

21 7. Section 2761 of the Code states:

22 "The board may take disciplinary action against a certified or licensed nurse or
23 deny an application for a certificate or license for any of the following:

24 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

25 "...

26 "(f) Conviction of a felony or of any offense substantially related to the
27 qualifications, functions, and duties of a registered nurse, in which event the record of the
28 conviction shall be conclusive evidence thereof.

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. . .
8. Section 490 of the Code states:

“A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

9. California Code of Regulations, title 16, section 1444, states:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

“(b) Failure to comply with any mandatory reporting requirements.

“(c) Theft, dishonesty, fraud, or deceit.

“(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.”

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Criminal Conviction)

3 11. Respondent is subject to disciplinary action under Business and
4 Professions Code sections 490 and 2761(f), in that Respondent has been convicted of crimes
5 substantially related to the qualifications, functions or duties of a registered nurse, as follows:
6 Respondent is subject to disciplinary action under for unprofessional conduct in that respondent
7 was convicted of Driving under the influence of alcohol, a crime, as defined by section 1444 of
8 Title 16 of the California Code of Regulations, that is substantially related to the qualifications,
9 functions or duties of a registered nurse. The circumstances are as follows:

10 a. On or about January 17, 2007 in a criminal proceeding entitled People of
11 the State of California v. Judith A. Ruja, in the Superior Court of California for the County of
12 Napa, Case No. CR 132721, the respondent was convicted by a plea of nolo contendere for
13 violating Vehicle Code section 23152 (a) (Driving Under the Influence of Alcohol), a
14 misdemeanor.

15 b. On or about November 3, 2006, the respondent was arrested by the
16 California Highway Patrol for driving under the influence of alcohol.

17 c. On or about January 17, 2007, the respondent was sentenced to two days
18 in jail, ordered to pay fines in the amount of \$1,705.00, and placed on five years formal
19 probation.

20 FIRST CAUSE TO REVOKE PROBATION

21 (Participate In Treatment/Rehabilitation Program for Chemical Dependence)

22 12. At all times after the effective date of Respondent's probation, Condition
23 Number 3 stated:

24 PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR
25 CHEMICAL DEPENDENCE - Petitioner, at her expense, shall successfully complete
26 during the probationary period or shall have successfully completed prior to commencement
27 of probation a Board-approved treatment/rehabilitation program of at least six months
28 duration. As required, reports shall be submitted by the program on forms provided by the

1 Board. If Petitioner has not completed a Board-approved treatment/rehabilitation program
2 prior to commencement of probation, Petitioner, within 45 days from the effective date of the
3 decision, shall be enrolled in a program. If a program is not successfully completed within
4 the first nine months of probation, the Board shall consider Petitioner in violation of
5 probation.

6 Based on Board recommendation, each week Petitioner shall be required to attend
7 at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
8 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
9 by the Board. If a nurse support group is not available, an additional 12-step meeting or
10 equivalent shall be added. Petitioner shall submit dated and signed documentation confirming
11 such attendance to the Board during the entire period of probation. Petitioner shall continue with
12 the recovery plan recommended by the treatment/rehabilitation program or a licensed mental
13 health examiner and/or other ongoing recovery groups.

14 13. Respondent's probation is subject to revocation because she failed to
15 comply with Probation Condition Number 3, referenced above, in that she failed to provide proof
16 to the Board that she participated in a treatment program and she failed to provide the Board with
17 verification that she attended Alcoholics Anonymous/Narcotics Anonymous and a nurse support
18 group as required by Probation Condition Number 3.

19 SECOND CAUSE TO REVOKE PROBATION

20 (Abstain From Use of Psychotropic (Mood-Altering) Drugs)

21 14. At all times after the effective date of Respondent's probation, Condition
22 Number 4 stated:

23 ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS

24 Petitioner shall completely abstain from the possession, injection or consumption
25 by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same
26 are ordered by a health care professional legally authorized to do so as part of documented
27 medical treatment. Petitioner shall have sent to the Board, in writing and within fourteen
28 (14) days, by the prescribing health professional, a report identifying the medication, dosage,

1 the date the medication was prescribed, the Petitioner's prognosis, the date the medication
2 will no longer be required, and the effect on the recovery plan, if appropriate.

3 Petitioner shall identify for the Board a single physician, nurse practitioner or
4 physician assistant who shall be aware of Petitioner's history of substance abuse and will
5 coordinate and monitor any prescriptions for Petitioner for dangerous drugs, controlled
6 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or
7 physician assistant shall report to the Board on a quarterly basis Petitioner's compliance with
8 this condition. If any substances considered addictive have been prescribed, the report shall
9 identify a program for the time limited use of any such substances.

10 The Board may require the single coordinating physician, nurse practitioner, or
11 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
12 addictive medicine.

13 15. Respondent's probation is subject to revocation because she failed to
14 comply with Probation Condition Number 4, referenced above, in that she failed to abstain from
15 the use of alcohol. The facts and circumstances regarding this violation are that on or about
16 February 7, 2006, February 23, 2006, March 15, 2006 and August 10, 2006, the respondent tested
17 positive for alcohol/ETG. Furthermore, on August 30, 2006, during a telephone conversation
18 with her probation monitor, the respondent admitted that she consumed an alcohol beverage at
19 her daughter's wedding.

20 THIRD CAUSE TO REVOKE PROBATION

21 (Submit To Tests And Samples)

22 16. At all times after the effective date of Respondent's probation, Condition
23 Number 5 stated:

24 SUBMIT TO TESTS AND SAMPLES - Petitioner, at her expense, shall
25 participate in a random, biological fluid testing or a drug screening program which the Board
26 approves. The length of time and frequency will be subject to approval by the Board. The
27 Petitioner is responsible for keeping the Board informed of Petitioner's current telephone number
28 at all times. Petitioner shall also ensure that messages may be left at the telephone number when

1 she is not available and ensure that reports are submitted directly by the testing agency to the
2 Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by
3 the program and the Petitioner shall be considered in violation of probation.

4 In addition, Petitioner, at any time during the period of probation, shall fully
5 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
6 tests and samples as the Board or its representatives may require for the detection of alcohol,
7 narcotics, hypnotics, dangerous drugs, or other controlled substances.

8 If Petitioner has a positive drug screen for any substance not legally authorized
9 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
10 Board files a petition to revoke probation or an accusation, the Board may suspend Petitioner
11 from practice pending the final decision on the petition to revoke probation or the accusation.
12 This period of suspension will not apply to the reduction of this probationary time period.

13 If Petitioner fails to participate in a random, biological fluid testing or drug
14 screening program within the specified time frame, the Petitioner shall immediately cease
15 practice and shall not resume practice until notified by the Board. After taking into account
16 documented evidence of mitigation, if the Board files a petition to revoke probation or an
17 accusation, the Board may suspend Petitioner from practice pending the final decision on the
18 petition to revoke probation or the accusation. This period of suspension will not apply to the
19 reduction of this probationary time period.

20 17. Respondent's probation is subject to revocation because she failed to
21 comply with Probation Condition Number 5, referenced above. The facts and circumstances
22 regarding this violation are that the respondent failed to comply with the random, biological fluid
23 testing or drug testing program by testing positive for alcohol. Respondent tested positive for
24 alcohol on the following dates:

| <u>Call Date</u> | <u>Results</u> |
|-------------------|------------------|
| February 7, 2006 | positive/alcohol |
| February 23, 2006 | positive/alcohol |
| March 15, 2006 | positive/alcohol |
| August 10, 2006 | positive/alcohol |

28 ///

1 SIXTH CAUSE TO REVOKE PROBATION

2 (Comply With The Board's Probation Program)

3 22. At all times after the effective date of Respondent's probation, Condition
4 Number 9 stated:

5 COMPLY WITH THE BOARD'S PROBATION PROGRAM - Petitioner shall
6 fully comply with the conditions of the Probation Program established by the Board and
7 cooperate with representatives of the Board in its monitoring and investigation of the Petitioner's
8 compliance with the Board's Probation Program. Petitioner shall inform the Board in writing
9 within no more than 15 days of any address change and shall at all times maintain an active,
10 current license status with the Board, including during any period of suspension.

11 Upon successful completion of probation, Petitioner's license shall be fully
12 restored.

13 23. Respondent's probation is subject to revocation because she failed to
14 comply with Probation Condition Number 9, referenced above. The facts and circumstances
15 regarding this violation are that she failed to fully comply with the terms and conditions of her
16 probation based on her conduct set forth in paragraphs 11-27.

17 SEVENTH CAUSE TO REVOKE PROBATION

18 (Submit Written Reports)

19 24. At all times after the effective date of Respondent's probation, Condition
20 Number 12 stated:

21 SUBMIT WRITTEN REPORTS - Petitioner, during the period of probation, shall
22 submit or cause to be submitted such written reports/declarations and verification of actions
23 under penalty of perjury, as required by the Board. These reports/declarations shall contain
24 statements relative to Petitioner's compliance with all the conditions of the Board's Probation
25 Program. Petitioner shall immediately execute all release of information forms as may be
26 required by the Board or its representatives.

27 Petitioner shall provide a copy of this decision to the nursing regulatory agency in
28 every state and territory in which she has a registered nurse license.

1 25. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition Number 12, referenced above, in that she failed to submit the
3 required Quarterly Reports that were due on April 7, 2007 and July 7, 2007 as required by
4 Probation Condition Number 12.

5 EIGHTH CAUSE TO REVOKE PROBATION

6 (Employment Approval And Reporting Requirements)

7 26. At all times after the effective date of Respondent's probation, Condition
8 Number 14 stated:

9 EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS -

10 Petitioner shall obtain prior approval from the Board before commencing or continuing any
11 employment, paid or voluntary, as a registered nurse. Petitioner shall cause to be submitted to the
12 Board all performance evaluations and other employment related reports as a registered nurse
13 upon request of the Board.

14 Petitioner shall provide a copy of this decision to her employer and immediate
15 supervisors prior to commencement of any nursing or other health care related employment.

16 In addition to the above, Petitioner shall notify the Board in writing within
17 seventy-two (72) hours after she obtains any nursing or other health care related employment.
18 Petitioner shall notify the Board in writing within seventy-two (72) hours after she is terminated
19 or separated, regardless of cause, from any nursing, or other health care related employment with
20 a full explanation of the circumstances surrounding the termination or separation.

21 27. Respondent's probation is subject to revocation because she failed to
22 comply with Probation Condition Number 14, referenced above, in that she failed to submit the
23 required Work Performance Evaluation as required by Probation Condition Number 14.

24 DISCIPLINE CONSIDERATIONS

25 28. To determine the degree of discipline, if any, to be imposed on
26 Respondent, Complainant alleges that on or about February 27, 2003, in a prior disciplinary
27 action entitled In the Matter of the Accusation Against Judith A. Ruja before the Board of
28 Registered Nursing, in Case No. 2003-10, Respondent's registered nurse license was surrendered

1 by stipulated surrender for her conviction on March 4, 2002 for unlawful sexual intercourse with
2 a minor under the age of 16 years. That decision is now final and is incorporated by reference as
3 if fully set forth.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

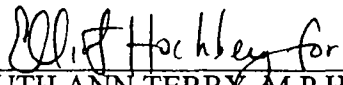
7 1. Revoking the probation that was granted by the Board of Registered
8 Nursing in Case No. L2005050614 and imposing the disciplinary order that was stayed thereby
9 revoking Registered Nurse License No. 569549 issued to Judith A. Ruja, a.k.a. Judith A. Schroer,
10 a.k.a. Judith A. Schroer Ruja;

11 2. Revoking or suspending Registered Nurse License No. 569549, issued to
12 Judith A. Ruja, a.k.a. Judith A. Schroer, a.k.a. Judith A. Schroer Ruja;

13 3. Ordering Judith A. Ruja, a.k.a. Judith A. Schroer, a.k.a. Judith A. Schroer
14 Ruja to pay the Board of Registered Nursing the reasonable costs of the investigation and
15 enforcement of this case, pursuant to Business and Professions Code section 125.3;

16 4. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 8/3/07

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20 
21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement:

Judith A. Ruja

Registered Nurse License No. 569549

Petitioner.

OAH No. L2005050614

DECISION

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on September 10, 2005.

IT IS SO ORDERED this 10th day of August 2005.

Sandra L. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of Revoked License of:

OAH No. L2005050614

JUDITH A. RUJA,

Petitioner.

DECISION

This matter came on regularly for hearing before a quorum of the Board of Registered Nursing, presided over by David B. Rosenman, Administrative Law Judge, Office of Administrative Hearings, State of California at Los Angeles, California, on June 23, 2005. The following members of the Board were present: Sandra Erickson, CRNA, President; LaFrancine Tate, Vice President; Carmen Morales-Board, MSN, RN, NP; Cynthia G. Johnson, EdD, RN; Grace Corse, RN; Jill Furillo, RN; and Orlando H. Pile, M.D.

Sharon D. Cohen, Deputy Attorney General, was present pursuant to Government Code section 11522. Petitioner Judith A. Ruja appeared and represented herself.

Documentary and oral evidence was received and the matter was submitted.

FINDINGS OF FACT

The Board finds the following facts:

1. On August 1, 2000, the Board issued Registered Nurse license no. 569549 to Petitioner.
2. By a Decision effective February 27, 2003, Petitioner voluntarily surrendered her license by stipulation containing her admission to unprofessional conduct in violation of Business and Professions Code sections 2761, subdivision (f), by virtue of her conviction on March 4, 2002 on her plea of nolo contendere of violating Penal Code section 261.5, subdivision (d), unlawful sexual intercourse with a minor under the age of 16 years, a felony.

3. Petitioner's Petition For Reinstatement was received by the Board on May 6, 2005.

4. Petitioner established that there were extenuating circumstances present for the acts and conviction that led to the revocation of her license. Petitioner was under the influence of alcohol at the time of the incident in June 2000. The minor, her stepson, had been physically abusive towards his father and Petitioner, and his aggression played a significant part in the incident. Petitioner's criminal probation lasted three years and, on April 18, 2005, she obtained an Order pursuant to Penal Code section 1203.4 setting aside her plea and dismissing the criminal complaint.

5. Petitioner established that she is rehabilitated from the acts and conviction that led to the revocation of her license. Among other things, she has received counseling and attended meetings of Alcoholics Anonymous.

6. From August 2002 to September 2003, Petitioner worked at a café in Napa, California. From October 2003 to September 2004, Petitioner worked as a receptionist at a cardiologist's office in Napa. From October 2004 to present she has worked in retail sales. She received good work evaluations in these positions. However, rumors relating to her criminal conviction have made it difficult to maintain jobs. Petitioner completed a course in nursing Hispanic patients in September 2004, completing 30 contact hours. Petitioner also submitted letters of reference and support from, among others, her probation officer, a past employer and satisfied customers, and her therapist.

Petitioner testified to her belief that nursing is a privilege and "is a part of me," and received testimonial support from her husband (a physician) and daughter (an RN).

CONCLUSIONS OF LAW

Pursuant to the foregoing findings of fact, the Board makes the following conclusion of law:

Cause exists pursuant to Business and Professions Code section 2760.1 and Government Code section 11522, with due consideration for the public safety, to reinstate Petitioner's license as a registered nurse, under terms and conditions.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The petition of Judith A. Ruja for reinstatement of her license as a registered nurse is hereby granted, as follows: a license shall be issued to Petitioner. Said license shall immediately be revoked, the order of revocation stayed and Petitioner placed on probation for a period of three (3) years on the following conditions:

1. SEVERABILITY CLAUSE - Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

2. PHYSICAL EXAMINATION - Within 45 days of the effective date of this decision, Petitioner, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Petitioner's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Petitioner with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Petitioner is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Petitioner by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Petitioner shall not engage in any practice for which a license issued by the Board is required until the Board has notified Petitioner that a medical determination permits Petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

3. PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Petitioner, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Petitioner has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Petitioner, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Petitioner in violation of probation.

Based on Board recommendation, each week Petitioner shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Petitioner shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Petitioner shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

4. ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS - Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Petitioner's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Petitioner shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Petitioner's history of substance abuse and will coordinate and monitor any prescriptions for Petitioner for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Petitioner's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

5. SUBMIT TO TESTS AND SAMPLES - Petitioner, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The Petitioner is responsible for keeping the Board informed of Petitioner's current telephone number at all times. Petitioner shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the Petitioner shall be considered in violation of probation.

In addition, Petitioner, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Petitioner has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Petitioner fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

6. MENTAL HEALTH EXAMINATION - The Petitioner shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the Petitioner. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the Petitioner.

If Petitioner is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Petitioner by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Petitioner shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Petitioner that a mental health determination permits Petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the Petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

7. THERAPY OR COUNSELING PROGRAM - Petitioner, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

8. OBEY ALL LAWS - Petitioner shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the Petitioner to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Petitioner shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If Petitioner is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

9. COMPLY WITH THE BOARD'S PROBATION PROGRAM - Petitioner shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Petitioner's compliance with the Board's Probation Program. Petitioner shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Petitioner's license shall be fully restored.

10. **REPORT IN PERSON** - Petitioner, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

11. **RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE** - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Petitioner's probation is tolled, if and when she resides outside of California. The Petitioner must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Petitioner shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Petitioner shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Petitioner shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

12. **SUBMIT WRITTEN REPORTS** - Petitioner, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Petitioner's compliance with all the conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.

Petitioner shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

13. **FUNCTION AS A REGISTERED NURSE** - Petitioner, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any nondirect patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Petitioner has not complied with this condition during the probationary term, and the Petitioner has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Petitioner's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

14. EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS -

Petitioner shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Petitioner shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Petitioner shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Petitioner shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Petitioner shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

15. SUPERVISION - Petitioner shall obtain prior approval from the Board regarding Petitioner's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Petitioner's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Petitioner works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Petitioner at least twice during each shift worked.

(d) Home Health Care - If Petitioner is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Petitioner as required by the Board each work day. Petitioner shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the Petitioner with or without Petitioner present.

16. EMPLOYMENT LIMITATIONS - Petitioner shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Petitioner shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Petitioner shall not work in any other registered nursing occupation where home visits are required.

Petitioner shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Petitioner from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Petitioner shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Petitioner shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the Petitioner is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

17. COMPLETE A NURSING COURSE(S) - Petitioner, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his or her probationary term.

Petitioner shall obtain prior approval from the Board before enrolling in the course(s). Petitioner shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Petitioner after photocopying them for its records.

If Petitioner has not complied with this condition during the probationary term, and Petitioner has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Petitioner's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

18. **COST RECOVERY** - Petitioner shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$4,500. Petitioner shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If petitioner has not complied with this condition during the probationary term, and petitioner has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the petitioner's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation will apply.

19. **VIOLATION OF PROBATION** - If Petitioner violates the conditions of her probation, the Board after giving the Petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of Petitioner's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Petitioner's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Petitioner's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

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19. LICENSE SURRENDER - During Petitioner's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Petitioner may surrender her license to the Board. The Board reserves the right to evaluate Petitioner's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Petitioner will no longer be subject to the conditions of probation.

Surrender of Petitioner's license shall be considered a disciplinary action and shall become a part of Petitioner's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (2) One year for a license surrendered for a mental or physical illness.

This Decision shall be effective September 10, 2005.

DATED: August 10, 2005.

Sandra R. Erickson

SANDRA ERICKSON, CRNA
President
Board of Registered Nursing

DBR:dr

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2003-10

JUDY A. RUJA
477 Wallace Avenue
Vallejo, California 94590
Napa, California 94559

Registered Nurse License No. 569549

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 27, 2003.

It is so ORDERED January 28, 2003.

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 REBECCA M. HEINSTEIN, State Bar No. 173202
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5604
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2003-10

11 **JUDY A. RUJA**
477 Wallace Avenue
12 Vallejo, California 94590

13 Registered Nurse License No. 569549

14 Respondent.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") is the Executive Officer of
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
22 Rebecca M. Heinstein, Deputy Attorney General.

23 2. Judy A. Ruja ("Respondent") is representing herself in this proceeding and
24 has chosen not to exercise her right to be represented by counsel.

25 3. On or about August 1, 2000, the Board of Registered Nursing issued
26 License No. 569549 to Judy A. Ruja. The Registered Nurse License was in full force and effect
27 at all times relevant to the charges brought in Accusation No. 2003-10 and expired on August 31,
28 2002.

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1 and all of the charges and allegations contained in Accusation, No. 2003-10 will be deemed to be
2 true, correct and admitted by Respondent when the Board determines whether to grant or deny
3 the petition.


4 16. Respondent shall not apply for licensure or petition for reinstatement for
5 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

6 17. Respondent shall pay the Board its costs of investigation and enforcement
7 in the amount of \$4,500.00 prior to issuance of a new or reinstated license.

8 **ACCEPTANCE**

9 I have carefully read the Stipulated Surrender of License and Order. I understand
10 the stipulation and the effect it will have on my License . I enter into this Stipulated Surrender of
11 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Board of Registered Nursing.

13 DATED: 9-25-02

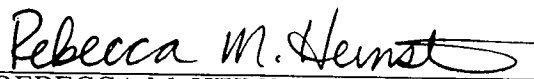
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15 
16 JUDY A. RUJA
Respondent

17 **ENDORSEMENT**

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully
19 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
20 Affairs.

21 DATED: 9/30/02

22
23 BILL LOCKYER, Attorney General
24 of the State of California

25 
26 REBECCA M. HEINSTEIN
27 Deputy Attorney General

28 Attorneys for Complainant

BILL LOCKYER, Attorney General
of the State of California
REBECCA M. HEINSTEIN, State Bar No. 173202
Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5604
Facsimile: (415) 703-5480

Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2003-10

JUDY A. RUJA, a.k.a. JUDY A. SCHROER,
a.k.a. JUDY A. SCHROER RUJA
3264 Macbeth Street
Napa, California 94558

A C C U S A T I O N

Registered Nurse License No. 569549

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about August 1, 2000, the Board of Registered Nursing issued License Number 569549 to Judy A. Schroer, a.k.a. Judy A. Ruja, a.k.a. Judy A. Schroer Ruja. The Registered Nurse License will expire on August 31, 2002, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), under the authority of the following sections of the Business and Professions Code ("Code").

1 4. Section 2750 of the Code provides, in pertinent part, that the Board may
2 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
3 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
5 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
6 against the licensee or to render a decision imposing discipline on the license.

7 6. Section 2761 of the Code states that the Board may take disciplinary
8 action against a certified or licensed nurse or deny an application for a certificate or license for
9 any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the following:

11

12 (f) Conviction of a felony or of any offense substantially related to the
13 qualifications, functions, and duties of a registered nurse, in which event the record of the
14 conviction shall be conclusive evidence thereof.

15

16 7. Section 490 of the Code states, in pertinent part, that "[a] board may
17 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the
18 crime is substantially related to the qualifications, functions, or duties of the business or
19 profession for which the license was issued. A conviction within the meaning of this section
20 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
21 which a board is permitted to take following the establishment of a conviction may be taken
22 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
23 or when an order granting probation is made suspending the imposition of sentence, irrespective
24 of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

25 8. Title 16, California Code of Regulations, section 1444, states:

26 "A conviction or act shall be considered to be substantially related to the
27 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
28 present or potential unfitness of a registered nurse to practice in a manner consistent with the

1 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
2 following:

3 "(a) Assaultive or abusive conduct including, but not limited to, those violations
4 listed in subdivision (d) of Penal Code Section 11160.

5 "(b) Failure to comply with any mandatory reporting requirements.

6 "(c) Theft, dishonesty, fraud or deceit

7 "(d) Any conviction or act subject to an order of registration pursuant to Section
8 290 of the Penal Code."

9 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
10 request the administrative law judge to direct a licentiate found to have committed a violation or
11 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
12 and enforcement of the case.

13 CAUSE FOR DISCIPLINE

14 (Substantially Related Conviction)

15 10. Respondent is subject to disciplinary action under sections 490 and
16 2761(f) of the Code in that on or about March 4, 2002, in a criminal proceeding entitled The
17 People of the State of California vs. Judith Ann Schroer, Superior Court of California, County of
18 Napa, Case Number CR104366, Respondent was convicted by a plea of nolo contendere of
19 violating Penal Code section 261.5(d) (unlawful sexual intercourse with a minor under the age of
20 16 years), a felony.

21 11. Respondent was sentenced to serve 120 days in jail and three (3) years
22 formal probation. As a term of probation, Respondent was ordered to successfully complete a
23 sex offender treatment program. The Court ordered Respondent to stay at least 100 yards away
24 from the person, residence, school, and place of employment of the minor, John Doe.
25 Respondent was ordered to not annoy, molest, strike, threaten, harass, sexually abuse, batter,
26 stalk, or disturb the peace of John Doe. The Court also ordered Respondent to surrender her
27 license to the Board and not practice as a Registered Nurse, directly or indirectly, during the
28 period of probation or until the final disposition of the Board, whichever is concluded first.

1 12. Respondent's conviction, as set forth in paragraph 10 above, is
2 substantially related to the qualifications, functions or duties of a registered nurse, as defined in
3 Title 16, California Code of Regulations, section 1444.

4 PRAYER

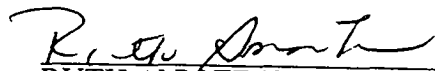
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 569549, issued
8 to Judy A. Ruja;

9 2. Ordering Judy A. Ruja to pay the Board of Registered Nursing the
10 reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3 of
11 the Code;

12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 7/16/02

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15 
16 RUTH ANN TERRY, M.P.H., R.N.
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant
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